

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

WHITNEY NICOLE SMITH, )  
Plaintiff, )  
v. )  
ST. LOUIS COUNTY JUSTICE CTR., )  
Defendant. )  
Case No. 4:22 CV 744 RWS

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of Plaintiff Whitney Nicole Smith's complaint. Smith, an inmate at St. Louis County Justice Center brings this action pursuant to 42 U.S.C. § 1983 asserting claims relating to her conditions of confinement. However, her complaint is difficult to read. Additionally, she has failed to pay the \$402 filing fee or file a motion to proceed in forma pauperis, along with a certified prison account statement. Accordingly, Smith will be required to amend her complaint on a Court form and either pay the filing fee or file a motion to proceed in forma pauperis and provide a prison account statement. Smith will have twenty-one (21) days to comply with the Court's requirements or her lawsuit will be dismissed without prejudice.

## Discussion

Smith's complaint must be filed on a Court form in compliance with this Court's Local Rules. *See* E.D. Mo. Local Rule 2.06(A). In the "Caption" section of the complaint form, she should write each defendant's name or names. *See* Fed. R. Civ. P. 10(a) ("The title of the complaint must name all the parties"). She should specify whether she is suing each defendant in an official

capacity, individual capacity, or both. She must avoid naming anyone as a defendant unless that person is directly related to her claim.<sup>1</sup>

In the “Statement of Claim” section, Smith should begin by writing the defendant’s name. In separate, numbered paragraphs under that name, she should set forth a short and plain statement of the facts that support her claim or claims against that defendant. *See Fed. R. Civ. P. 8(a)*. Each averment must be simple, concise, and direct. *See id.* Smith must state each claim in numbered paragraphs, and each paragraph should be “limited as far as practicable to a single set of circumstances.” *See Fed. R. Civ. P. 10(b)*. If Smith names a single defendant, she may set forth as many claims as she has against that defendant. *See Fed. R. Civ. P. 18(a)*. If she names more than one defendant, she should only include claims that arise out of the same transaction or occurrence, or simply put, claims that are related to each other. *See Fed. R. Civ. P. 20(a)(2)*.

It is important that Smith allege facts explaining how the defendant was personally involved in or directly responsible for causing harm. *See Madewell v. Roberts*, 909 F.2d 1203, 1208 (8th Cir. 1990). Smith must explain the role of the defendant, so that the defendant will have notice of what she is accused of doing or failing to do. *See Topchian v. JPMorgan Chase Bank, N.A.*, 760 F.3d 843, 848 (8th Cir. 2014) (stating that the essential function of a complaint “is to give the opposing party fair notice of the nature and basis or grounds for a claim.”). Furthermore, the Court emphasizes that the “Statement of Claim” requires more than “labels and conclusions or a formulaic recitation of the elements of a cause of action.” *See Neubauer v. FedEx Corp.*, 849 F.3d 400, 404 (8th Cir. 2017).

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<sup>1</sup> The only named defendant in the complaint is the St. Louis County Justice Center. Departments or subdivisions of local government are “not juridical entities suable as such” under 42 U.S.C. § 1983. *See Ketchum v. City of West Memphis, Ark.*, 974 F.2d 81, 82 (8th Cir. 1992).

Smith is also required to either file a motion to proceed in forma pauperis within twenty-one (21) days of the date of this Memorandum and Order or pay the full \$402 filing fee in this action. If she fails to file a complaint on the Court's form within twenty-one (21) days or file a motion to proceed in forma pauperis or pay the filing fee, the Court will dismiss this action without prejudice and without further notice.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk of Court shall provide Smith a blank Prisoner Civil Rights Complaint form and Motion to Proceed in Forma Pauperis – Prisoner Cases form.

**IT IS FURTHER ORDERED** that, within **twenty-one (21) days** of the date of this Order, Smith shall file a complaint on the Court-provided form and in compliance with the Court's instructions. Smith should take care to ensure that her writing is legible on her amended complaint.

**IT IS FURTHER ORDERED** that, within **twenty-one (21) days** of the date of this Order, Smith shall either pay the full filing fee of \$402 or submit a motion to proceed in forma pauperis on the Court-provided form. If Smith files a motion to proceed in forma pauperis, she shall also submit a certified copy of her inmate account statement for the six-month period immediately preceding the filing of the complaint.

**IT IS FURTHER ORDERED** that Smith's failure to timely comply with this Order shall result in the dismissal of this action, without prejudice and without further notice.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 13th day of July, 2022.